

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB-ACE
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	Sections 3, 5, and 7
Defendants.)	
_____)	

ORDER SETTING STATUS CONFERENCE

THIS MATTER is before the Special Master to guide the course of the Rio Chama Stream System adjudication and pursuant to the Administrative Order Setting Status Conferences, entered September 21, 2004 (Docket No. 4601).

A status conference is set for Thursday, February 10, 2005, at 10:00 a.m., at the Village of Chama Council Chambers, Chama City Hall, 299 W. 4th, Chama, New Mexico. The following matters will be discussed:

1. The general status of the adjudication of Sections 3, 5 and 7, by counsel for the State of New Mexico, ex rel. State Engineer (State).
2. The proposed procedural and scheduling order(s) for the adjudication of the federal non-Indian water rights claims brought by the United States of America (United States) in Section 3, Rio Nutrias, Rio Cebolla and Canjilon Creek (see, December 11, 2000, Procedural Order for the Adjudication of Section 3 Federal Non-Indian Claims, as amended August 28, 2002), and Section 5 (see, May 8, 2000, Order Adopting Initial Procedures for the Adjudication of the Federal Non-Indian

Claims in the Rio Gallina Section, February 5, 2001, Order Granting United States' Motion to Vacate Deadline for Filing Amended Claims, and February 12, 2001, Statement by the State of New Mexico).

Involved counsel, including Mr. Newville, Mr. Waltz, Ms. Humphrey and Mr. Utton, are instructed to discuss the best manner and schedule by which to have these claims adjudicated, given competing resource allocation priorities. No later than February 1, 2005, Counsel for the State and United States shall submit to the Special Master a jointly proposed scheduling and procedural order, sufficiently detailed for resolving these claims. If no agreement is reached, parties shall submit counter-proposals.

3. A sufficiently detailed, jointly proposed scheduling and procedural order for the orderly adjudication of consumptive irrigation requirements (duty) in the Rio Chama Stream System, submitted no later than February 1 to the Special Master. If involved counsel cannot agree on a single proposal, parties shall submit counter-proposals.

4. A sufficiently detailed, jointly proposed scheduling order for the resolution of errors and omissions claims and any other tasks for Section 2, Ojo Caliente, prepared by counsel for the acequias and submitted to the Special Master no later than February 1.

5. The status of the adjudication of the state law-based rights of the Jicarilla Apache Nation, and any required scheduling and procedural orders, prepared by counsel for the Jicarilla Apache Nation.

6. The status of the litigation on the following disputed subfiles:

a. CHRU-004-0039, Hope Miner and Norm Vogt, Inc.

b. CHRU-003-0001, Elizabeth T. Peralta and Alfred Q. Peralta and Norm Vogt, Inc.

Counsel for the individuals and the State will be prepared with a proposed pretrial and scheduling order.

c. CHRB-002-0001, Joe and Rosina Garcia Revocable Trust

d. CHRB-002-0002, Mundy Ranch, Inc. As has been emphasized repeatedly in the past, D.N.M.LR-83.7 requires that corporations be represented by counsel. Failure to appear by counsel will result in the defendant's forfeiture of the opportunity to challenge the State's determination of its water rights.

No later than February 4, counsel for the defendants and the State will submit to the Special Master a proposed, amended pretrial order which further amends the March 8, 2004 Pretrial Order (No. 7427), as amended August 26, 2004 (No. 7568).

7. Any other relevant matters.

8. Items which should be included in the next status conference set for Tuesday, April 12, 2005, and to be held in Santa Fe.

Attendance by parties involved in the matters listed above is mandatory. Attendance by any other party is optional. The State shall serve this order on unrepresented individuals involved in Paragraph 6, above.

IT IS SO ORDERED.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN